



SUBDIVISION ORDINANCE

**CITY OF MISSOURI CITY
1522 TEXAS PARKWAY
MISSOURI CITY, TX 77489
(281)403-8600
www.missouricitytx.gov**

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Chapter 82 SUBDIVISIONS*

***Editor's note:** Ord. No. O-04-31, § 1, adopted July 6, 2004, repealed the former Chapter 82, Arts. I--IV and Appendices A--J, and enacted a new Chapter 82, Arts. I--IV and Appendices A--J as set out herein. The former pertained to similar subject matter and derived from the Code of 1981, as well as various ordinances which can be found in the code comparative table.

Charter references: Streets, sidewalks and other public property, § 2.04 et seq.; city planning generally, § 8.10 et seq.

Cross references: Any ordinance dedicating or accepting any plat or subdivision saved from repeal, § 1-9(a)(12); buildings and building regulations, ch. 14; environment, ch. 30; floods, ch. 42; infrastructure standards, ch. 46; mobile homes and mobile home parks, ch. 54; natural resources, ch. 66; utilities, ch. 86; zoning, app. A.

State law references: Subdivisions, V.T.C.A., Local Government Code § 212.001 et seq.

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Chapter 82 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 82-1. Designation and citation of chapter.

The ordinances embraced in this chapter, including all sections now or hereafter amended, added or altered shall constitute and be designated the "City Subdivision Ordinance," and may be so cited.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-2. Conformance with comprehensive plan.

All subdivisions in the city and in its extraterritorial jurisdiction shall be platted in conformance with the comprehensive plan of the city.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-3. Applicability of chapter.

This chapter shall apply to all subdivisions of land within the city and its area of extraterritorial jurisdiction as established by V.T.C.A., Local Government Code § 42.001 et seq.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-4. Conflicts with county regulations.

This chapter shall not be applied in such a manner to amend or alter any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the city. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained in this chapter, then the standards of this chapter shall apply.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-5. Purpose of chapter.

The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the city and its extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this chapter by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined in this section are to be construed in

accordance with the zoning ordinance (appendix A of this Code) or other applicable ordinance of the city, or in the absence of such ordinance in accordance with the customary usage in municipal planning and engineering practices.

Alley means a public right-of-way identified on a plat by the word "alley," which is used only for secondary access primarily for the purpose of vehicular service to the back and sides of individual properties which have their primary access from an adjacent public or private street.

Amending plat means a plat approved and issued for one or more of the purposes set forth in V.T.C.A., Local Government Code § 212.016(a).

Building official means the city building official or his designee.

Commission means the planning and zoning commission.

City engineer means the city engineer or his/her designee.

Comprehensive plan means the general plan adopted by the city council for the growth and development of the city and its environs, including any and all elements of such plan, addressing such topics as land use, streets and thoroughfares, driveway approaches, utilities, drainage, schools and parks, as well as others.

Design manual means the design requirements, standard construction details, and standard details to be followed when designing, improving, repairing, constructing or performing modifications of any kind to infrastructure.

Development means the new construction of any building or structure, or the enlargement of any exterior dimension of any building, structure or improvement.

Development plat means a complete and exact development plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the development is located.

Director of planning means the director of planning or his designee.

Driveway means a surfaced area providing vehicular access between a public or private street and an off-street parking or loading area.

Dwelling unit means a residential unit providing complete, independent living facilities for one family, including permanent provisions for sleeping, living, cooking and sanitation.

Final plat means a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk of the county or counties in which the subdivision is located.

Lot means an undivided tract or parcel of land having frontage on a public or private street, or other approved facility contained within a block and designated on a subdivision plat by numerical or letter identification.

Off-site improvements mean improvements occurring off-site that are necessary to serve the development.

Oversized improvements mean improvements larger than necessary for the immediate development.

Preliminary plat means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this chapter, illustrating the features of the development for review and preliminary approval by the commission.

Schedule of required copies means the "Schedule of Required Copies--City of Missouri City Subdivision Regulations."

Street, private means a private thoroughfare, not dedicated to public use, which provides vehicular access from a public street to more than two residential dwelling units, or two or more commercial or industrial buildings or parking areas.

Street, public means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land.

Subdivider and developer. The terms "subdivider" and "developer" are synonymous for the purposes of this chapter, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this chapter.

Subdivision means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication in the laying (or realignment) of new streets, or other public or private accessways, with or without lots, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined in this section. The term "subdivision" shall also include the division of land, whether by plat or by metes and bounds description, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Title report means a report prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state certifying the true owner of the property and describing all encumbrances of record which affect the property.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-7. Plat approval required.

(a) It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the city or its extraterritorial jurisdiction unless and until a final plat of such subdivision has been approved in accordance with the terms of this chapter. Unless and until a final plat, plan or replat of a subdivision shall have been first approved in the manner provided in this chapter by the commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure or other improvement on any lot, tract or parcel of land within such subdivision except as specifically permitted in this chapter.

(b) No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision for which a final plat has not been approved by the commission and filed for record, except as specifically allowed in this chapter. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city.

(c) The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved by the commission and filed for record. The city shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city. (Ord. No. O-04-31, § 1, 7-6-2004; Ord. No. O-05-11, § 1, 3-21-2005)

Sec. 82-8. Improvements required; oversized or off-site improvements.

All of the improvements required under this chapter, including improvements specified in the comprehensive plan, which, in the judgment of the commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer. If oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the city may require the developer to construct such oversized or off-site improvements. In such event the city shall reimburse the developer for the portion of the cost of the oversizing or off-site improvements not attributable to the subdivision development as soon as budgeted funds are available after completion and acceptance by the city of such construction, but in no event shall such reimbursement by the city be made more than one year after completion and acceptance of the construction. This provision shall not be a limitation on the ability of the city, pursuant to an agreement with a utility district, to require such district to finance the cost of oversized or off-site public improvements, or a limitation of the manner provided in such agreement for the city to pay its proportionate cost of such improvement.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-9. Variances.

(a) The rules and regulations provided in this chapter or incorporated in this chapter are the minimum standards and requirements of the city. Upon application by the developer, a variance from any such rule or regulation may be granted by the commission upon a good and sufficient showing by the developer that:

- (1) There are special circumstances or conditions affecting the property in question;
- (2) Enforcement of the provisions of this chapter will deprive the applicant of a substantial property right; and
- (3) If a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(b) The application for a variance shall be made on a form prescribed by the city, and shall specifically identify the provision of this chapter from which a variance is sought and the specific circumstances and conditions which the applicant believes will support and justify the granting of such variance. If more than one variance is sought, each shall be specifically identified in the application and the specific circumstances and conditions justifying each request shall be provided with the application. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests shall not be considered as a basis for the granting of a variance.

(c) No application for a variance will be considered unless submitted, in writing, no later than the date the application for final plat approval is submitted. An application for a variance must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the city. Multiple copies of the application for variance shall be provided in accordance with the schedule of required copies.

(Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-10--82-30. Reserved.

ARTICLE II. PLATS

DIVISION 1. GENERALLY

Sec. 82-31. Preliminary conference.

Prior to filing a conceptual plan or preliminary plat, the subdivider, his planner or other appropriate representative shall consult with the director of planning for comments and advice on the procedures, specifications and standards required by the city as conditions for subdivision plat approval. If requested in writing, the commission may place, for discussion purposes only, an item on its agenda regarding the proposed subdivision to assist a subdivider on matters affecting such proposed subdivision.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-32. Conceptual plan.

(a) Generally. Prior to filing a preliminary plat, a subdivider who intends to submit a sequence of preliminary plats of a proposed development shall submit a conceptual plan of the entire development for approval by the commission. The director of planning may also require a subdivider of a large tract development to submit a conceptual plan for approval by the commission. Notwithstanding anything in this subsection to the contrary, a subdivider may, at his own risk, submit preliminary plats along with a conceptual plan of a proposed development. If a conceptual plan is required by this section, such plan must be approved prior to the commission's consideration of a preliminary plat of such development. Each preliminary plat of such development must comply with the conceptual plan. Changes by the developer in the conceptual plan shall require resubmission of such plan to the commission. Said resubmission shall be considered a new permit process.

(b) Form and contents. A conceptual plan submitted for approval by the commission shall be in the form and contain the information required in this subsection. An application should be prepared and submitted on the form approved by the city and on file in the office of the director of planning. Multiple copies of the application and plan shall be provided in accordance with the schedule of required copies.

- (1) The proposed name of the subdivision or development shall be indicated.
- (2) The name of the owner of the property and the subdivider shall be indicated.
- (3) The name of the registered professional engineer and/or registered surveyor responsible for the survey and the design shall be indicated.
- (4) The date on which the conceptual plan was drawn shall be indicated.
- (5) The plan shall be oriented with north at the top of the page, and a north point (true or magnetic) shall be provided in the upper right hand corner of the page.

- (6) The total acreage shall be indicated.
 - (7) The plan must be on 24-inch by 36-inch paper prints, unless otherwise approved by the director of planning, which shall be folded to eight and one-half inches by 14 inches, with the title block visible.
 - (8) The scale should be one inch equals 200 feet. However, smaller scales may be approved upon request.
 - (9) A scale vicinity map shall be provided indicating the general location of the subdivision and depicting major streets, subdivisions, watercourses and other significant physical features within one-half mile of the boundaries of the subdivision area. The scale vicinity map shall be oriented with north at the top of the page.
 - (10) The boundaries of the total acreage of the subdivision and the boundaries of the proposed land uses of the subdivision shall be indicated.
 - (11) The names of adjacent subdivisions and/or landowners of adjacent undivided tracts shall be provided on the plan.
 - (12) The plan shall indicate the proposed land uses and population densities, including streets and drainage layout (on- and off-site drainage), preliminary drainage layout, and the location of schools, parks and other proposed public or private facilities. Typical lot sizes shall also be provided.
 - (13) The plan shall provide topographic information indicating the directions of surface water flow.
- (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-33. Exemptions.

- (a) Eligibility. Notwithstanding any provisions of this chapter to the contrary, no subdivision plat shall be required to be filed and approved by the commission if an exemption is granted in accordance with the provisions of this section. This section is applicable only to those instances where:
- (1) A tract of land is proposed to be subdivided into no more than two tracts, the smallest of which is at least 25 acres;
 - (2) No new public or private street is proposed;
 - (3) No new water or service lines or drainage improvements are proposed;
 - (4) No immediate dedication or public improvement is required to comply with the comprehensive plan; and

- (5) The proposed subdivision is for the limited purpose of division or sale of a large acreage tract.

(b) Procedure. Applications for an exemption to platting under this section must be submitted to and approved by the commission. An exception may be granted by the commission if in its judgment it is deemed appropriate. In authorizing an exemption from platting, the commission may provide that no permits for development, construction or improvements on such subdivision of any kind will be issued by the city until such tract is platted in accordance with the terms of this chapter.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-34. Types of commission action.

The commission shall review each preliminary or final plat submitted to it. The commission shall approve any plat if it is in compliance with the provisions of this chapter and other rules and regulations as may have been or may be adopted by the city council governing plats and/or the subdivision of land. Upon the receipt of a plat, the commission's authorized actions are as follows:

- (1) Grant preliminary plat approval or preliminary plat approval with conditions.
- (2) Grant final plat approval if in conformance with the conditions of preliminary plat approval and the requirements for final plat approval.
- (3) Disapprove any plat, either preliminary or final, if the commission determines that it fails to comply with state law, the policies and standards contained in this chapter or other rules and regulations that may have been adopted by the city council governing plats and/or the subdivision of land.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-35. Expiration of approval.

(a) Conceptual plan.

- (1) All conceptual plan approvals granted by the commission and the conditions therein, if any, are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of written request from the subdivider or his authorized agent prior to the expiration date of the plan approval, extend this term of approval for any time period not to exceed an additional 12 months.
- (2) If a subdivider fulfills all conditions of approval adopted by the commission for a final plat or plats covering a portion of the conceptual plan area prior to its expiration date, the remainder of the conceptual plan shall be valid for a period of two years from the date on which its original approval was granted. If a subdivider fulfills all conditions of approval

adopted by the commission for approval of additional preliminary plats or plats covering another portion of the conceptual plan area within the last 12 months immediately prior to expiration of the two-year period from the date on which the original conceptual plan approval was granted, the plan shall be valid for a third year or upon expiration of the final or preliminary plat, whichever is later. This extension policy may continue as long as platting activity is continued within one year after successive anniversaries of the original conceptual plan approval. Notwithstanding the foregoing, the commission may, in its discretion, extend such period of validity for an additional term to be fixed by the commission.

(b) Preliminary plat.

All preliminary plat approvals granted by the commission and the conditions therein, if any, are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project. The commission may, upon receipt of written request from the subdivider or his authorized agent prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed 12 months. If a subdivider files a final plat or plats covering only a portion of the preliminary plat area prior to its expiration date, the remainder of the preliminary plat shall be valid for a period of two years from the date on which its original approval was granted if no progress has been made toward completion of the project. The commission may, at its discretion, extend such period of validity for an additional term to be fixed by the commission.

(c) Final plat.

All final plat approvals granted by the commission and the conditions therein, if any, which have not been duly recorded and performed are valid for a period of two years from the date on which the approval was granted if no progress has been made towards the completion of the project.

(Ord. No. O-04-31, § 1, 7-6-2004; Ord. No. O-06-18, § 3, 4-17-2006)

Sec. 82-36. Recording.

After the commission has approved a final plat and all conditions to such approval have been met by the subdivider, the subdivider shall cause such final plat to be recorded in the appropriate county plat records. Following recordation of the final plat, the subdivider shall deliver to the city reproducibles of the approved and recorded final plat in accordance with the schedule of required copies.

(Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-37-- 82-60. Reserved.

DIVISION 2. PRELIMINARY PLAT

Sec. 82-61. Application for approval.

Any person desiring approval of a preliminary plat shall first file an application for preliminary plat approval with the department of planning.

When a conceptual plan is required, unless otherwise permitted by this chapter, an application for preliminary plat approval shall not be filed until the conceptual plan for such property has been approved or conditionally approved by the commission and all conditions of conceptual plan approval have been satisfied and approved by the department of planning at least one week prior to the submittal of the preliminary plat application. Forms for such applications shall be kept on file with the director of planning. Multiple copies of such document shall be provided in accordance with the schedule of required copies. An application for preliminary plat approval will not be accepted by the city until the department of planning has reviewed the application and certified that the application is complete and all required fees and data have been submitted in accordance with this section.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-62. Filing date.

The filing date of an application for preliminary plat approval shall be the date when the application is certified complete and marked "filed" by the department of planning. The certification by the department of planning that the application is complete and marked "filed" or incomplete and rejected shall be made within three working days after the application is received by the department of planning. The date the application is certified and marked "filed" is the date to be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a plat submitted to it under the provisions of V.T.C.A., Local Government Code § 212.001 et seq.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-63. Submittal to commission.

Once an application for preliminary plat approval has been filed with the city it will be submitted to the commission for consideration at the regular meeting next following the expiration of 14 days from the filing date.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-64. Copies required.

The applicant for preliminary plat approval must provide the number of copies required according to the schedule of required copies. Each shall be on 24-inch by 36-inch paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by 14 inches.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-65. Filing fees.

An application for preliminary plat approval must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the city.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-66. Encumbrances information.

All preliminary plats must be accompanied with a statement or certificate, in separate writing, executed by the applicant or the person who prepared the plat, which certifies that all existing easements, rights-of-way, fee strips and significant topographical features on the land being platted are fully shown and accurately identified on the face of the plat, and further stating whether the plat being submitted includes all of the contiguous land which the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. Multiple copies of the statement or certificate shall be provided in accordance with schedule of required copies.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-67. Notice to utilities.

An acknowledgment that notice of the subdivision was provided to all utility companies, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain the statement of the intent to subdivide, and the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat which is filed with the city. Multiple copies of the acknowledgment shall be provided in accordance with the schedule of required copies.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-68. Form and contents.

All preliminary plats submitted to the commission must be in the form and contain the information and/or language required in this section.

- (1) The proposed name of the subdivision or development shall be indicated.
- (2) A legal description of the property proposed to be subdivided, including the name of the county and surveying abstract number, shall be included.
- (3) Total acreage and total number of lots, blocks and reserves shall be indicated. Lots within each block shall be numbered consecutively. Blocks shall also be numbered consecutively.
- (4) The name of the owner of the property or subdivider shall be indicated. If the owner or subdivider is other than a natural person, the name of the principal officer or owner of the entity responsible for the subdivision must be provided.

- (5) The name of the registered professional engineer and/or registered public surveyor responsible for the survey and the design shall be indicated.
- (6) The date on which the plat was drawn shall be indicated. Each revision of the plat shall bear a new date.
- (7) The north point (true or magnetic) shall be indicated. The drawing of the subdivision must be oriented with north at the top of the drawing.
- (8) The scale must be drawn numerically and a graphic scale must be provided. The minimum scale acceptable for a preliminary plat shall be one inch equals 100 feet. Larger scales are permissible provided the scale chosen is divisible by ten and the area within 200 feet of the subdivision is shown on the plat.
- (9) A scale vicinity map shall be provided, preferably in the upper right corner of the plat, indicating the general location of the subdivision and its relationship with major and collector streets, political subdivisions, railroads, watercourses and similar features in all directions from the subdivision to a distance of not less than one-half mile. The suggested scale of the vicinity map is one inch equals 1,200 feet and the map shall be oriented with north at the top of the drawing and in the same direction as the detailed subdivision drawing.
- (10) The plat shall be drawn with heavy lines to indicate the subdivision area, with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines. An accurate location of the subdivision should be provided by reference to an established survey or league corner, subdivision corner, or other known point.
- (11) The adjacent area outside the plat boundaries shall be identified, indicating the name of adjacent subdivisions and the recorded owner of the unsubdivided parcels of land.
- (12) The location, widths and names of all existing and proposed public and private streets, easements or rights-of-way within or adjacent to the subdivision shall be indicated. All railroad rights-of-way, pipelines, easements and other permanent features such as section lines and boundaries of political subdivisions and school districts on all sides for a distance of not less than 200 feet shall also be indicated.
- (13) Existing sewers, water mains, culverts or other underground structures and other public utilities and buildings within the subdivision or within 200 feet shall be identified, with existing and proposed pipe sizes, grades and locations indicated.
- (14) The location and approximate width or dimension of existing and proposed lakes, watercourses, storm detention areas and drainage

easements within the subdivision or within 200 feet thereof shall be indicated.

- (15) Contour lines with intervals of one foot, referred to sea level (USGS and city datum), shall be provided to show at least two contour lines within the subdivision in addition to those necessary to clearly show outfall drainage. The basis of control shall be identified and the temporary benchmark set within the subdivision shall be indicated.
- (16) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners in the subdivision, together with the conditions or limitations of each reservation, if any, shall be identified.
- (17) The proposed plan of subdivision shall be indicated, showing streets, blocks, lots, alleys, easements, building lines and parks with principal dimensions.
- (18) A preliminary drainage plan with calculations shall be provided. The proposed drainage system shall be indicated by a single line drawing showing the proposed direction sheet flow through the subdivision. Floodplain information, including floodplain boundary, if any; FEMA map number; and the effective map date and zone shall also be provided. Multiple copies of such document shall be provided in accordance with the schedule of required copies.
- (19) A preliminary utility plan with calculations shall be provided. Sealed supporting engineering calculations for the utility capacities and the drainage design for both storm events and the extreme event and an analysis of the extreme event and consideration of positive overflow pathways shall also be provided. Multiple copies of such documents shall be provided in accordance with the schedule of required copies.
- (20) Detention analysis and calculations, where required, shall be provided.
- (21) Locations of lift stations, water plants or other utility infrastructure locations and sizes shall be provided.
- (22) The service areas for each utility system shall be provided.
- (23) An alphabetical list of proposed street names for the subdivision shall be provided. Multiple copies of such document shall be provided in accordance with the schedule of required copies.
- (24) A copy of the proposed restrictive covenants shall be provided. Multiple copies of such document shall be provided in accordance with the schedule of required copies. In instances where private roadways are created by the subdivision plat, appropriate verbiage shall be added to the restrictive covenants to ensure adequate assessment for maintenance and

replacement. Such verbiage is additionally required for any improvements that are not the responsibility of the city.
(Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-69--82-90. Reserved.

DIVISION 3. FINAL PLAT

Sec. 82-91. Application for approval.

Any person desiring approval of a final plat shall first file an application for final plat approval with the department of planning. Unless otherwise permitted by this chapter, an application for final plat approval shall not be filed until a preliminary plat of such property has been approved or conditionally approved by the commission and all conditions of preliminary plat approval have been satisfied and approved by the department of planning at least one week prior to the submittal of the final plat application. Forms for such application shall be kept on file with the director of planning. Multiple copies of such document shall be provided in accordance with the schedule of required copies. An application for final plat approval will not be accepted by the city until the department of planning has reviewed the application and certified that the application is complete and all required fees and data have been submitted in accordance with this division.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-92. Filing date.

The filing date of an application for final plat approval shall be the date when the application is certified complete and marked "filed" by the department of planning. The certification by the department of planning that the application is complete and marked "filed" or incomplete and rejected shall be made within three working days after the application is received by the department of planning. The date the application is certified and marked "filed" is the date to be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a plat submitted to it under the provisions of V.T.C.A., Local Government Code § 212.001 et seq.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-93. Submittal to commission.

Once an application for final plat approval has been filed with the city it will be submitted to the commission for consideration at the regular meeting next following the expiration of 14 days from the filing date.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-94. Copies required.

The applicant for final plat approval must provide the number of copies required according to the schedule of required copies. Each shall be on 24-inch by 36-inch paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by 14 inches.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-95. Filing fee.

An application for final plat approval must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the city.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-96. Notice to utilities.

An acknowledgment that notice of the subdivision was provided to all utility companies, whether public or private, shall accompany each application for final plat approval. Multiple copies of such document shall be provided in accordance with the schedule of required copies. Such notice shall contain the statement of intent to subdivide, and the intended use of the property within the subdivision, and shall have attached to such notice a copy of the final plat which is filed with the city.
(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-97. Form and contents.

All final plats shall incorporate all the provisions relating to preliminary plats in section 82-68, except section 82-68(13), (15), (18), (19), (20) and (21), and, where appropriate, reflect any conditions or requirements for final approval previously imposed by the commission, together with the following additional requirements:

- (1) Format. The final plat must be drawn on stable plastic film or positive photographic film with black lines and the image shall be suitable for the reproduction of direct positive prints and reproductions.
- (2) Scale. The scale for the final plat drawing shall be a minimum of one inch equals 100 feet. A larger scale is permissible provided the scale chosen is divisible by ten and the area within 200 feet of the area to be subdivided is shown on the plat.
- (3) Engineering and surveying data. All engineering and surveying data must be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data must include, but shall not be limited to, full dimensions along all boundaries of the platted property, streets, driveways and alley rights-of-way, easements and drainageways, gulleys, creeks and bayous, together with the location of the high bank of such drainageways and watercourses, lots, blocks, reserves, out-tracts or any other tracts designated separately within the plat boundaries, building lines, and fee strips, pipelines or any other physical or topographical feature necessary to be accurately located by surveying methods. Such information must include line dimensions, bearings or deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof. The boundary survey shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions shall be shown by bearings. Curved boundaries shall be fully described and all

essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots. Description and location of all lot and block corners and permanent survey reference monuments shall be shown.

- (4) Special land uses. Tracts or sites designated for schools, churches, parks, sewage disposal plants, water plants or other special land uses shall be designated.
- (5) Pipeline easements. A note must be provided on the plat stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision.
- (6) Utility easements. All easements necessary for utility service shall be shown on the final plat and the applicant shall provide a certification on the plat that all utility companies have been contacted and the easements shown on the plat constitute all of the easements requested by the utility companies. Multiple copies of such document shall be provided in accordance with the schedule of required copies.
- (7) Restrictive covenants. A final draft of restrictive covenants ready for filing shall be provided. Multiple copies of such document shall be provided in accordance with the schedule of required copies. In instances where private roadways are created by the subdivision plat, appropriate verbiage shall be added to the restrictive covenants to ensure adequate assessment for maintenance and replacement. Such verbiage is additionally required for any improvements that are the responsibility of the city.
- (8) Dedication statements and certificates. All dedication statements and certificates must be made a part of the final plat drawing, and these must include but shall not be limited to the statements the general form and content of which are provided as examples in the appendices of this chapter, which are incorporated in this section and made a part of this section for all purposes. These dedication statements and certificates and various notations are as follows:
 - a. Owner's acknowledgment (see appendix A).
 - b. Execution of owner's acknowledgment (see appendix B).
 - c. Lienholder's acknowledgment and subordination statement (see appendix C).
 - d. Notary public acknowledgment for all signatures (see appendix D).
 - e. Certificate for engineer and surveyor (see appendix E).

- f. Certificate for commission (see appendix F).
 - g. County clerk filing acknowledgment statement (see appendix G).
 - h. Encumbrances certificate (see appendix H).
 - i. Vacation of subdivision plat (see appendix I).
 - j. Certificate for amending plats (see appendix J).
- (9) Title report or title policy. A current title report or title policy from a title company authorized to do business in the state or an attorney licensed as such in the state must be provided certifying that within 45 days prior to the time the final plat is furnished to the commission a search of the appropriate records was performed covering all property proposed to be platted and providing the following information concerning the title to such property:
- a. The date of examination of the records.
 - b. A legal description of the property lying within the proposed subdivision including a metes and bounds description of the boundaries of such land.
 - c. The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title.
 - d. The names of all lienholders, together with the recording information and the date of such instruments by which such lienholders acquired their interest.
 - e. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with the recording information and date of the instruments whereby the owners of such easements or fee strips acquired their title.
 - f. Tax certificates from each taxing unit showing that no ad valorem taxes are due and owing on the property in the subdivision. Multiple copies of such document shall be provided in accordance with the schedule of required copies.
- (10) Engineer's or surveyor's certificate. The final plat shall contain a certificate by the registered professional engineer and/or registered public surveyor in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of the survey actually made on the

ground. If the engineer and/or surveyor who prepared the plat did not make the original boundary survey, such fact shall be noted in the certificate.

- (11) Slab elevation. The plat shall provide a note that slab elevations shall meet the standards established by FEMA and shall meet all applicable city requirements, including chapter 46, the city infrastructure code.
 - (12) Designation of entity responsible for common areas. The legal entity responsible for the maintenance of any building, recreational area, open space, equipment, pool or private driveway which is to be owned and shared by the owners of real property in the proposed subdivision shall be designated by appropriate articles of incorporation, contracts, restrictions or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation shall be stated in the creating documents. If such entity is responsible for the maintenance of driveways, emergency access easements, recreational areas or open spaces, the following note shall be indicated on the face of the plat: "The City of Missouri City shall not be responsible for maintenance of driveways, emergency access easements, recreational areas, and open spaces; and, the _____ Homeowners' Association shall be responsible for such maintenance of driveways, emergency access easements, recreational areas and open spaces."
- (Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-98--82-120. Reserved.

DIVISION 4. ABBREVIATED PLATTING PROCEDURE

Sec. 82-121. Generally.

Notwithstanding any of the provisions of this chapter to the contrary, an abbreviated procedure, to the limited extent expressly provided in this division, is hereby established. In those instances where a simplified development or subdivision is proposed, and the submission and review of a preliminary plat is not necessary for a complete understanding and evaluation of the development process or its consistency with and integration into the city's comprehensive plan, an abbreviated platting procedure may be authorized by the director of planning. If the abbreviated platting process is approved by the director of planning, submission and approval of the preliminary plat may be waived, and the developer may proceed with preparation and submission for approval of a final plat. Such final plat must otherwise conform to the requirements of division 3 of this article.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-122. Eligibility.

One of the following circumstances shall be established by the subdivider prior to director of planning approval of the abbreviated platting procedure:

- (1) Each lot, block, tract or reserve within the proposed subdivision must front upon a dedicated street of appropriate grade and condition to provide adequate access. All utility, drainage and other easements necessary to serve each lot, block, tract or reserve must have been previously granted. The proposed subdivision must not contain or create a significant drainage problem. All utilities required to serve each lot, block, tract or reserve must be in place so that only taps are required to provide service to the subdivision. Each lot, tract or reserve proposed in the subdivision must have a street frontage of not less than 200 feet at the building line if it fronts on a major thoroughfare and not less than 65 feet if it fronts on a residential street.
- (2) The proposed subdivision must be for platting of a single tract of land out of a larger tract which will not require any street construction, installation of water or sewer lines, or any drainage improvements. The proposed subdivision must be for the limited purpose of division or sale of a large acreage tract.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-123--82-129. Reserved.

DIVISION 5. DEVELOPMENT PLAT

Sec. 82-130. Applicability.

Any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of the city must have a development plat of the tract prepared in accordance with this subchapter and the applicable plans, rules, or ordinances of the city. New development may not begin on the property until the development plat is approved and recorded as provided herein.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-131. Application for approval.

- (a) Any person desiring approval of a preliminary development plat shall first file an application for preliminary plat approval with the department of planning. Such applications shall comply with the provisions contained in division 2, preliminary plat, of article II, plats, of this chapter.
- (b) Any person desiring approval of a final development plat shall first file an application for final plat approval with the department of planning. Such applications shall comply with the provisions contained in division 3, final plat, of article II, plats, of this chapter.
- (c) Approval and recordation of development plats shall be in accordance with the applicable provisions of division 1, in general, of article II, plats, of this chapter.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-132. Exceptions.

A development plat shall not be required in circumstances in which a subdivision plat is required.

(Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-133--82-139. Reserved.

DIVISION 6. AMENDING PLAT

Sec. 82-140. Generally.

The city may approve and issue an amending plat, which shall be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat complies with all applicable requirements and provisions of V.T.C.A., Local Government Code § 212.016.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-141. Application for approval.

- (a) Any person desiring approval of an amending plat shall first file an application for plat approval with the department of planning. Amending plat procedures shall comply with the requirements for final plats, as provided herein, with the exception of:
 - (1) All amending plat applications shall be submitted to the planning department for review a minimum of 21 days prior to the planning and zoning commission meeting.
- (b) The director of planning may grant full approval of amending plat applications that meet the requirements of this chapter; otherwise,
- (c) If the director of planning withholds approval of an amending plat application, the director of planning will forward the application to the planning and zoning commission, in which case the commission will act in accordance with section 82-35 of this chapter.

(Ord. No. O-04-31, § 1, 7-6-2004)

Secs. 82-142--82-150. Reserved.

ARTICLE III. STANDARDS AND SPECIFICATIONS

Sec. 82-151. Applicability; compliance.

No preliminary or final plat shall be approved by the commission, and no permit shall be issued for construction of any improvement intended for public use or for the use of purchasers or owners of lots or tracts within the subdivision, and no improvement intended for public use shall be accepted by the city, unless such subdivision and public improvements comply with the standards and specifications in this article.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-152. Street system generally.

- (a) The street system pattern proposed in any subdivision must comply with the design standards of this article, the city infrastructure code and the city design manual and shall:

- (1) Provide for adequate vehicular access to all properties within this subdivision plat boundaries.
 - (2) Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.
 - (3) Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.
 - (4) Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of high density multiple-family residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.
- (b) When necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith. When conditions permit, centerline offsets should be at least 125 feet. Greater centerline offsets may be required by the commission when necessary for traffic safety.
 - (c) Where adjoining areas are not subdivided, the commission may require the arrangement of streets in the subdivision to make provision for the proper projection of streets into such unsubdivided areas.
 - (d) Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.
- (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-153. Arrangement and layout of major thoroughfares.

- (a) Location and alignment. The location and alignment of a designated major thoroughfare shall be in conformance with the major thoroughfare plan of the city.
- (b) Right-of-way width. The width of the right-of-way to be dedicated for any designated major thoroughfare shall be in conformance with the major thoroughfare plan and the city design manual. In those instances where the proposed subdivision is located contiguous to an existing major thoroughfare having a right-of-way less than that required by the major thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the major thoroughfare plan. In all cases the minimum right-of-way width required for the development of a designated major thoroughfare must be of sufficient

width to accommodate the approved roadway pavement and attendant drainage and utility facilities.

- (c) Curves and intersections. Curves proposed for the right-of-way of designated major thoroughfares shall be in conformance with the city design manual. Intersections with other public and/or private streets shall comply with the city design manual.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-154. Buffering and traffic separation requirements for major thoroughfares.

Where a subdivision abuts or contains an existing or proposed major thoroughfare, the city may require marginal access streets, reverse frontage with screening by landscaping and berming contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford a separation of through and local traffic. If landscaping or berming is used as a buffer between the major thoroughfare and residential property uses, the subdivider shall provide a minimum 11-foot landscape easement along the major thoroughfare according to the major thoroughfare plan and shall construct sidewalks thereon in accordance with this chapter and the construction standards of the city.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-155. Collector streets.

- (a) Location and alignment. The location and alignment of collector streets must be in conformance with the major thoroughfare plan of the city.
- (b) Right-of-way width. The width of the right-of-way to be dedicated for any designated or proposed collector street shall be in conformance with the major thoroughfare plan and the city design manual. In those instances where the proposed subdivision is located contiguous to an existing collector street having a right-of-way less than that required by the major thoroughfare plan or the city design manual, sufficient additional right-of-way must be dedicated to bring the right-of-way in conformance with the major thoroughfare plan and the city design manual. The minimum right-of-way width required for the development of a designated or proposed collector street must be of sufficient width to accommodate the approved roadway pavement and attendant drainage and utility facilities.
- (c) Curves and intersections. Curves proposed for the right-of-way of designated collector streets shall be in conformance with the city design manual. Intersections with other public and/or private streets shall comply with the city design manual.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-156. Minor streets.

- (a) Location and alignment. The location and alignment of minor public streets proposed to be dedicated and established within a subdivision shall be designed in conformance with the standards listed in section 82-153.
- (b) Right-of-way width. The width of the right-of-way to be dedicated for any minor street shall be in conformance with the major thoroughfare plan and the city design manual. In those instances where the proposed subdivision is located contiguous to an existing minor public street with a right-of-way width of less than that required by the major thoroughfare plan, sufficient additional right-of-way must be dedicated within the subdivision plat boundary to bring the right-of-way width of the existing minor public street in conformance with the major thoroughfare plan.
- (c) Curves and intersections. Curves along minor streets shall be in conformance with the city design manual. Intersections with other public and/or private streets shall comply with the city design manual.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-157. Cul-de-sacs, temporary turnarounds and dead-end streets.

- (a) Length of cul-de-sac. The length of all cul-de-sacs shall be in conformance with the city design manual.
- (b) Radius of cul-de-sac. The radius of the right-of-way for all cul-de-sacs shall be in conformance with the city design manual.
- (c) Temporary turnarounds. Temporary turnarounds may be permitted where curbs and gutters are not installed at the end of a street which is longer than 400 feet and which is intended to be extended in the future. A note shall be provided on the plat as follows: "Crosshatched area is a temporary easement for turnaround which shall terminate upon the extension of such street."
- (d) Dead-end streets. Dead-end streets longer than 200 feet will not be approved except in those instances where the street is terminated by permanent or temporary circular cul-de-sac turnarounds.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-158. Private streets.

Private streets may be permitted by the commission if it determines that the use of private streets will preserve the aesthetic environmental qualities of the subdivision while providing property owners with a safe, functional and lasting means of access. The design and approval of private streets shall promote driver and pedestrian safety by improving movement along streets and ingress and egress for properties adjacent thereto. Generally, as the widths of streets and vehicular speeds increase, the number of private

street connections thereto should decrease. Private streets shall be designed in accordance with traffic engineering principles and practices as applied to existing and anticipated conditions, particularly the land uses to be served and the configuration of the thoroughfare itself. Private streets shall meet all requirements contained in this chapter for public minor streets or public alleys. Adequate space shall be provided in the private street right-of-way or reserved adjacent thereto to allow for street and utility maintenance. Private streets shall be built in accordance with the city design manual. (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-159. Shared access and parking facilities for nonresidential tracts.

Unless otherwise approved by the commission, all plats for commercial and/or industrial tracts shall provide for shared access and parking facilities, and the plat shall contain a note on it to that effect. (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-160. Driveway approaches.

Driveway approaches shall be provided in accordance with the driveway approach policy of the city. (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-161. Alleys.

- (a) General arrangement and layout. Alleys may be provided within a subdivision plat to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent street. Alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.
- (b) Right-of-way width; intersections and curves. Alleys must have a right-of-way and pavement width in accordance with the city design manual. Alleys should intersect streets in accordance with the city design manual.
- (c) Turnouts; maximum length. Alley turnouts shall be in accordance with the city design manual.
- (d) Dead-end alleys. No dead-end alley or cul-de-sac alley shall be permitted. (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-162. One-foot reserve strip for streets adjoining unsubdivided land.

In those instances where any public street is established in a plat submitted to the commission and where such street forms a stub street into adjacent acreage or where such street lies along the parallel with the plat boundary and adjacent to acreage, a one-foot-wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent

unsubdivided acreage, to prevent access to this public street from the adjacent unsubdivided acreage unless and until the commission has had an opportunity to review the development proposals for such adjacent acreage and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation, which must be placed upon the face of any plat where a one-foot reserve is to be established: "One-foot reserve dedicated to the public as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors."

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-163. Partial or half streets.

Partial or half streets may be dedicated in those instances where the commission concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The commission will not approve a partial or half street dedication within a subdivision dedicating less than a 50-foot right-of-way width. Appropriate notations and a one-foot reserve must be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this chapter.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-164. Sidewalks and trails.

- (a) In general. Pavement markings, separators, signage, fencing and landscaping may also be required where necessary to promote circulation, screening, buffering and safety.
- (b) Sidewalks. Sidewalks shall be installed along all streets in each subdivision and shall be constructed in accordance with the city design manual.
- (c) Trails. Trails may be installed in a variety of areas including fee strips as well as on adjacent levees, within drainage easements and pipeline easements, along road rights-of-way and in any other location and manner consistent with the city park and recreation master plan and city trail plan.

(Ord. No. O-04-31, § 1, 7-6-2004; Ord. No. O-05-33, § 1, 7-18-2005)

Sec. 82-165. Off-street parking areas.

Off-street parking shall be provided for all land uses as required by the zoning ordinance of the city and shall be constructed in accordance with the city private construction details.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-166. Blocks.

- (a) General standards. The length, width and shape of blocks shall be determined with due regard to:
 - (1) The provision of adequate building sites suitable to the specific needs of the type of use contemplated.
 - (2) Requirements as to lot sizes and dimensions.
 - (3) Need for convenient access, circulation, control and safety of street traffic.
 - (4) The limitations or opportunities of the topography of the subdivision.
- (b) Length.
 - (1) The minimum block length shall be 400 feet.
 - (2) When all the lots in a block of a residential development are comprised of the minimum required area of 5,000 square feet each, then the maximum block length without an intersection shall be 1,200 feet measured along the street centerline of the side of the block upon which a structure dedicated to residential use shall face. When all of the lots in a block of a residential development are comprised of an area in excess of 5,000 square feet each, then the block length without an intersection shall not exceed 2,000 feet measured along the street centerline of the side of the block along which a structure dedicated to residential use shall face.
 - (3) There shall be no minimum block length required along a major thoroughfare, railroad, body of water or other similar barrier except where necessary to ensure that traffic engineering principles and practices are followed.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-167. Lots.

- (a) Generally. Lot area, width, depth, shape and orientation, and the minimum building setback lines, shall be in accordance with the zoning ordinance of the city (appendix A of this Code) for the type of development and use contemplated.
- (b) Corner lots. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
- (c) Lot shapes. Lots should be designed, as far as possible, with side lines being at right angles or radial to any adjacent street right-of-way line.

- (d) Double-fronted lots. Double-fronted lots will not be approved.
- (e) Access. Each lot shall be provided with satisfactory access to an existing public street.
- (f) Lots with septic tanks. In subdivisions where buildings are to be served by septic tanks, the size of a lot shall be of sufficient size to accommodate adequate drainage fields and to meet the standards set forth by the county and the state department of health, and health standards as established by the city.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-168. Easements.

- (a) Public utility easements. Public utility easements may be used for, but are not limited to, facilities necessary to provide water, electrical power, natural gas, telephone, cable television and sanitary sewer services. Storm sewers or open drainageways must not be constructed within utility easements unless specifically approved by the city and where additional easement width is provided in conformance with the standards established in this section for drainage easements. Public utility easements generally must be provided along the rear of all lots designed for residential development and in such other locations as permitted or required by the commission. Public utility easements of at least eight feet in width shall be provided along each side of all rear lot lines and along side lot lines where determined necessary by the commission. Public utility easements having greater width dimensions may be required by the commission along and across lots where required by engineering design or where special conditions exist.
- (b) Drainage easements. All drainage easements must be located and dedicated to accommodate the drainage requirements for the property within the subdivision boundaries and within the natural watershed in conformance with the city's comprehensive plan and the requirements of the commission. Drainage easements of a width of at least 15 feet shall be provided for existing and proposed enclosed drainage systems. Such drainage easements shall be centered on the system. Larger easements, where necessary, shall be provided when required by the commission. Drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required for maintenance and adequate slopes necessary along the bank of the channel. Drainage easements shall also be provided for emergency overflow drainageways of sufficient width to contain within the easement stormwater resulting from a 100-year frequency storm event less the amount of stormwater carried in any enclosed drainage system. The width of drainage easements required by this subsection shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the commission.

- (c) Floodway easements. Floodway easements may be required along natural drainageways and lakes or reservoirs. Floodway easements shall encompass all areas beneath the water surface elevation resulting from a 100-year frequency storm, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property.
 - (d) Restrictions on use of drainage and floodway easements. A suitable note on the subdivision plat must restrict all properties within the subdivision to ensure that drainage and floodway easements within the plat boundary shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility, and abutting properties shall not be permitted to drain directly into such easements except by means of a drainage structure approved by the city.
 - (e) Easements or fee strips created prior to subdivision. All easements or fee strips created prior to the subdivision of any tract of land must be shown on a subdivision plat of the land with appropriate notations indicating the name of the owner of such easement or fee strip, the purpose of the easement, the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundaries, and the recording reference to the instruments creating and establishing the easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions, the subdivider should request the owner of such easement to accurately define its limits and the location of the easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the city, the subdivision plat must provide adequate information as to the centerline of the location of all existing facilities placed in accordance with the easement holder's rights. Building setback lines must be established at least 30 feet from and parallel to the boundary of the easement. The subdivider shall obtain from the holder of any private easement or fee strip within the plat to be crossed by proposed streets or other public easements an instrument granting to the public the use and benefit of the private easement or fee strip for the construction, operation and maintenance of such public streets and easements. This instrument shall be delivered to the commission at the time the final plat application is submitted for review. The subdivider shall also furnish the commission with a letter from the holder of the private easement or fee strip stating that arrangements for any required adjustments to pipelines, electrical transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement or fee strip.
- (Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-169. Preservation of historical and natural features.

Certified historical features within a subdivision shall be preserved. Significant natural features within a subdivision such as large trees and watercourses should be preserved, if possible.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-170. Street lighting.

Street lighting shall be provided in accordance with the city design manual.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-171. Traffic signs and signals.

The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the subdivision. All signs and signals shall be provided and placed in accordance with the Texas Manual of Uniform Traffic Control Devices and the city design manual and shall be erected prior to the acceptance of streets by the city. The developer shall be responsible for upgrading existing signals, equipment, and facilities to accommodate their development.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-172. Underground utilities.

All utilities within a subdivision shall be placed in accordance with the city utility placement policy.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-173. Flood prevention.

No subdivision of land shall be approved unless the subdivision complies in all respects with chapter 42, article II, pertaining to flood prevention.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-174. Dedication of land for neighborhood parks; reservation of land for public uses.

(a) Purpose of land dedication requirements.

- (1) This section is adopted to provide recreational areas in the form of neighborhood parks as a function of subdivision and site development in the City of Missouri City. This section is enacted in accordance with the home rule powers of the City of Missouri City, granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, V.T.C.A., Local Government Code, § 51.071 et seq. (provisions applicable to home-rule municipality) and § 212.001 et seq. (municipal regulation of subdivisions and property development). This section

is administered in a manner consistent with the city comprehensive plan, the city land use plan, the city parks and recreation master plan and the city trail plan. It is hereby declared by the city council that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land.

- (2) "Neighborhood parks" as that term is used in this section are those park facilities that provide for a variety of outdoor recreational opportunities and that are within convenient distances from a majority of the residences to be served thereby. Park zones are recommended by the parks and recreation board and shown on an official parks and recreation map for the city which is adopted by the city council, and which shall be prima facie proof that any park facility located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated.
- (b) Parkland dedication required; manner of dedication.
- (1) Land dedication. Whenever a final plat is filed of record with the county clerk of Fort Bend or Harris County for development of a residential area in accordance with this chapter, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal one acre for each 100 proposed dwelling units. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this section.
 - (2) Acceptance of drainage areas. Drainage areas may be accepted as part of a public parkland dedication if the channel is constructed in accordance with the city infrastructure code and city design manual adopted pursuant thereto; and provided the city determines the land is appropriate for park use; and provided no significant area of the park is cut off from access by such channel.
 - (3) Alternatives to land dedication. Pursuant to the provisions of this section, the required parkland dedication may be met by a payment of money in lieu of land, the paying of money into an escrow fund to guarantee a future dedication of parkland, the pledging of

security guaranteeing a future dedication of parkland, and/or the provision of private neighborhood parkland.

- (4) Minimum acreage. In instances where an area of less than five acres is required to be dedicated, the city shall accept or reject the dedication of such public park within 60 days following approval of the preliminary plat after consideration by the commission and the parks and recreation board. If the city determines that sufficient park area already is in the public domain in the area of the proposed development, or if the recreation potential for that zone would be better served by expanding or improving existing parks, then the proposed dedication will be disallowed and the developer shall be required to make payment of cash in lieu of land as provided by subsection (e) of this section.
 - (5) Method of dedication. The dedication required by this section shall be made by filing of the final plat or by separate instrument at city's election.
 - (6) Additional dedication required. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection (e)(3) of this section, or by the conveyance of additional land by amendment of plat or by separate instrument.
 - (7) Access. Each park facility must have ready access to the public, most typically by a public street.
- (c) Escrow in lieu of dedication of land. Subject to city council approval, the developer of a project which has received conceptual plan approval that provides for dedication of parkland outside of the area currently being platted may, in lieu of the dedication of parkland by the current plat, elect to reserve parkland for future dedication in subsequent phases of development by paying into a city escrow fund a dollar amount equal to the fees in lieu of dedication otherwise due for the phase that is part of the current plat in the amount set forth in subsection (e)(3) of this section. The provisions of the escrow agreement shall be approved by the city attorney and city finance director. The escrow funds must be paid to the city prior to the filing of the first phase final plat and shall be maintained in the escrow fund pending the platting of the project phase that contains the parkland to be dedicated. Escrow funds will be returned to the developer, without interest, upon the filing of the final plat for the subsequent phase that dedicates the required parkland. Such money in escrow shall guarantee that the developer will dedicate the amount of land required by subsection (b) of this section in the park area designated in the conceptual plan within three years after the date of the placement of such money into escrow. If such parkland has not been dedicated by this third anniversary

date, the city shall be entitled to transfer such escrow funds into the appropriate park land dedication fund as a cash payment in lieu of land or allow the developer to extend the deadline for dedication of such park land to a date designated by the city. Alternatively, the developer may elect to record upon the final plat the following notation: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within the subdivision until such time as the escrow of funds required under the provisions of subsection (c) of section 82-174 of the Code of Ordinances of the City of Missouri City, Texas, has been submitted to and accepted by the city." If the developer places this notation upon the final recorded plat of the subdivision in lieu of paying the money into escrow, the city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the appropriate amount of money is placed into escrow in accordance with the requirements of subsection (c) of this section and as accepted by the city.

- (d) Letter of credit in lieu of dedication of land. Subject to city council approval, the developer of a project which has received conceptual plan approval that provides for dedication of parkland outside of the area currently being platted may, in lieu of the dedication of parkland by the current plat, elect to provide an irrevocable letter of credit or other security instrument approved by the city in the amount set forth in subsection (e)(3) of this section. Such letter of credit or other security instrument shall guarantee that the developer will dedicate the amount of land required by subsection (b) of this section in the park area designated in the conceptual plan within three years after the date of the letter of credit or other security instrument. If such parkland has not been dedicated by the third anniversary date of the security instrument, the city shall be entitled to collect the monies guaranteed by the instrument as a cash payment in lieu of land or allow the developer to extend the deadline for dedication of such parkland to a date designated by the city. Such letter of credit or other security instrument shall be submitted to and approved by the city prior to final plat approval; provided, however, the developer may elect to record upon the final plat the following notation: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within the subdivision until such time as the security instrument required under the provisions of subsection (d) of section 82-174 of the Code of Ordinances of the City of Missouri City, Texas, has been submitted to and accepted by the city." If the developer places this notation upon the final recorded plat of the subdivision in lieu of providing the security instrument, the city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as a security instrument satisfying the requirements of subsection (d) of this section is submitted to and accepted by the city.

- (e) Cash payment in lieu of dedication of land.
- (1) Cash payment alternative. Subject to city council approval, a developer responsible for dedication under this section may elect to meet the requirements of subsection (b) of this section in whole or in part by a cash payment in lieu of land, in the amount set forth in subsection (e)(3) of this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval; provided, however, the developer may elect to record upon the final plat the following notation: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within the subdivision until such time as the payment of money in lieu of parkland required under the provisions of subsection (e) of section 82-174 of the Code of Ordinances of the City of Missouri City, Texas, has been submitted to and accepted by the city." If the developer places this notation upon the final recorded plat of the subdivision in lieu of making the payment of money in lieu of parkland, the city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the payment of money in lieu of parkland required by subsection (e) of this section is submitted to and accepted by the city.
 - (2) Parkland purchased by city in anticipation of development. The city may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase parkland in a park zone, the city may elect to have subsequent parkland dedications for that zone be in cash only, and calculated to reimburse the city's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of (a) the average price per acre of such land, and (b) the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the city manager. Once the city has been reimbursed entirely for all such parklands within a park zone, this subsection shall cease to apply, and the other subsections of this section shall again be applicable.
 - (3) Amount of cash payment. To the extent that subsection (e)(2) of this section is not applicable, the dedication requirement shall be met by a payment of cash in lieu of land at a price set from time to time by the city council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the park zone in which such development is located. Such price shall be computed on the basis of \$1200.00 per dwelling unit. Cash payments may be used only for acquisition or improvement of a neighborhood park located within the same zone as the development.

- (f) Provision of private parkland in lieu of dedication of land.
- (1) Amount of credit. Subject to city council approval, a developer responsible for dedication under this section may elect to meet up to 50 percent of the requirements of subsection (b) of this section by the provision of private neighborhood parkland.
 - (2) Suitability. Any land dedicated to the city or provided as private neighborhood parkland under this section must be appropriate for park and recreation purposes. The city reserves the right to reject any land which it deems as unsuitable for such purposes.
 - (3) Accessibility and development. The land offered as private neighborhood parkland must be open and accessible to all residents of the platted subdivision. Land or facilities which are excluded to a portion of the subdivision residents will not be considered as private neighborhood parkland. Land must be made accessible to the public in accordance with the technical standards set forth in the city infrastructure code and design manual adopted pursuant thereto to the degree appropriate for the intended use as determined by the city.
 - (4) Type of private dedication.
 - a. Unencumbered. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood parkland at full credit. Land which has recreational facilities on it such as tennis courts, swimming pools, playing fields, recreation buildings, etc., will also qualify for full credit.
 - b. Encumbered. Land which has the following type encumbrances may be used to satisfy the private parkland option on the basis of partial credits as recited herein:
 1. Land encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood park land on the basis of one-third credit.
 2. Lakes will qualify for private neighborhood park land on the basis of one-sixth credit.
 3. Nature reserves, or land which is generally undeveloped and unsuitable for organized recreational activities without substantial development effort, but that does provide desirable

aesthetic qualities, such as wetlands and other wooded areas, will qualify for private neighborhood parkland on the basis of one-ninth credit.

- c. Limit on encumbered land. Not more than 50 percent of the private neighborhood parkland provision may be satisfied with land possessing the encumbrances set forth in section 82-174(f)(4)b.
- (5) Responsibility for maintenance. Maintenance responsibility for areas offered as private neighborhood parkland must be identified with the submission of a preliminary plat.
- (6) Areas less than one-half acre. Land offered for private neighborhood parkland credit which is less than one-half acre in size is generally discouraged unless it is an integral part of the private park and open space provisions of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-half acre in size shall be submitted with the preliminary plat.
- (g) Disposition of funds paid in lieu of dedication of land.
 - (1) Special fund established. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section, which fund shall be known as the parkland dedication fund.
 - (2) Accounting; expenditures; refunds. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purposes must be expended by the city within ten years from the date received by the city for acquisition or development of a neighborhood park as defined in this section. Such funds shall be considered to be spent on a first-in, first-out basis for each park zone. If not so expended, then on the last day of such period the then-current owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage basis. The owners of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.
- (h) Administration.
 - (1) Review of proposals. Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the commission and the parks and recreation board. Any proposal considered by the commission

under this section shall have been reviewed by the parks and recreation board and its recommendation given the commission.

- (2) Applicability of section to previously approved developments. This section shall become effective upon adoption by the city council. The expiration of approval for any conceptual plan shall be the expiration date as set forth on the approved conceptual plan. If no such date is set forth on the conceptual plan, the expiration of approval shall be as set forth by city ordinance in effect at the time of the submission of the conceptual plan.

(Ord. No. O-04-31, § 1, 7-6-2004; Ord. No. O-04-38, § 1, 8-16-2004; Ord. No. O-04-49, § 1, 10-18-2004; Ord. No. O-05-33, § 2, 7-18-2005; Ord. No. O-07-12, § 1, 03-19-2007)

Secs. 82-175--82-200. Reserved.

ARTICLE IV. IMPROVEMENTS

Sec. 82-201. Construction plans.

Construction plans for public improvements to be installed within a subdivision shall be prepared by a registered professional engineer and submitted in accordance with the requirements and specifications of this chapter and the construction standards of the city. Multiple copies of such document shall be provided in accordance with the schedule of required copies. No public improvements shall be installed until and unless such plans shall have been received and approved by the city. Construction plans shall include but are not limited to those items specified in this article.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-202. Construction standards adopted.

There are hereby adopted by reference and made a part of this chapter the city infrastructure code and the city design manual, which shall be controlling in design, construction and installation of streets, alleys, curbs and gutters, sidewalks, bikepaths, utilities and other public improvements required in this chapter. All references to the construction standards of the city shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved and adopted by the city and placed on file in the office of the city engineer.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-203. Streets and sidewalks; drainage facilities.

- (a) All streets (public and private) and alleys in subdivisions shall be paved and shall be designed and constructed in accordance with the construction standards of the city.
- (b) The right-of-way shall be graded to provide suitable finish grades for pavement, sidewalks and planting strips, with adequate surface drainage and convenient access to the lots.
- (c) All sidewalks or bike paths shall be constructed in accordance with the construction standards of the city.
- (d) All drainage facilities shall be designed and constructed in accordance with the construction standards of the city.
- (e) Where a proposed subdivision is adjacent to or at the end of an existing street which will afford primary or significant access to the proposed subdivision and is determined by the commission, in accordance with traffic engineering principles and practice, to be of inadequate design or construction, the developer will be required to improve, reconstruct, widen or make any other alterations to the street as deemed necessary by the

commission in order to provide appropriate and safe access to the subdivision.

- (f) When a tract or parcel of land is graded to a level that is higher or lower than the natural grade of adjacent property, or graded in any manner which may alter the natural flow of waters on such tract or on any adjoining tract, the person causing such alteration of natural grade or natural flow shall cause to be constructed, to the satisfaction of the city, ditches, swales, catchbasins, drains, retaining walls or other facilities necessary to protect adjoining tracts from erosion, overflow or accumulation of surface waters or any obstruction of the natural drainage of such adjoining tracts.
- (g) It shall be unlawful for any person, due to excavation, fill work or grading, to impede, obstruct or otherwise divert the natural flow of surface waters on adjoining properties, or to cause surface waters on adjoining properties, or to cause surface waters to drain over and across adjoining property contrary to existing natural runoff and flow, without written permission from the owner of such adjoining tract.
- (h) It shall be the responsibility of the owner, builder, developer, design engineer and architect to examine the property under construction and adjoining tracts prior to and during periods of construction and to provide such drainage facilities, at appropriate times, to ensure proper on-site and off-site drainage.
- (i) A final site grading plan may be required by the city when deemed necessary. All plans and specifications of drainage facilities shall be approved by the city.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-204. Site improvement data.

The following site improvement data, including all plans and specifications and engineering calculations, shall be submitted bearing the seal and signature of a registered professional engineer. Multiple copies of such document shall be provided in accordance with the schedule of required copies.

- (1) Plans and profiles of all streets (public or private), alleys, driveways, sidewalks and crosswalks shall be submitted.
- (2) The locations and dimensions of existing sanitary sewer lines, and plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines, shall be indicated.
- (3) Plans and specifications of any proposed sewer system or treatment plant shall be submitted.
- (4) The location and size of existing water lines and fire hydrants, plans and profiles of all proposed water lines and fire hydrants showing depths and grades of the

lines, and detail design information of proposed water lines and fire hydrants shall be submitted.

- (5) All street widths and grades shall be indicated, runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers and at all points in the street or storm sewer drainage ditch, and all drainage easements shall be indicated.
- (6) When a drainage channel, retention/detention facility or storm sewer is proposed, completed plans, profiles and specifications shall be submitted showing complete construction details.
- (7) In accordance with then-current city and county policy, developers shall be required to participate in and/or provide on- and off-site drainage improvements deemed by the city and/or county as necessary to provide adequate drainage for the subdivision and to protect downstream areas from the hazards of flooding and high waters.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-205. Inspection of construction.

The city engineer or his duly authorized representative shall be required to fully inspect all phases of the construction of the improvements for subdivisions. No sanitary sewer, water or storm sewer pipes shall be covered without approval of the city engineer or his duly authorized representative. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without approval. No concrete or asphalt may be poured or placed to the base without approval. The city engineer or his duly authorized representative may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his judgment, requirements of this chapter or the standards or specifications provided in this chapter have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.

(Ord. No. O-04-31, § 1, 7-6-2004)

Sec. 82-206. Guarantee of performance.

The city requires that all public improvements of the subdivision development be completed in a timely manner and in accordance with the plat, the construction plan, and the standards and specifications contained in this chapter. To ensure the maximum protection for potential purchasers of subdivision lots and the citizens of the city and to ensure that the subdivision and its public improvements are developed expeditiously, the city shall require one or a combination of the following conditions to occur:

- (1) Construction of improvements upon preliminary plat approval. Upon preliminary plat approval, a subdivider may begin to construct any or all public improvements (streets, drainage facilities, utilities, etc.) in the subdivision. If a subdivider chooses to construct the required public improvements upon preliminary plat approval, all such construction shall be inspected while in progress and must be

approved by the city engineer or his duly authorized representative upon completion. A certificate from the city engineer or his duly authorized representative stating that the construction conforms to the specifications and standards contained and referred to in this chapter must be presented to the commission prior to approval of the final plat.

- (2) Guarantee of completion of improvements before final approval. As a condition of final plat approval, the developer shall either:
- (i) Provide the city a performance bond, irrevocable letter of credit or other security agreement, in a form approved by the city, which guarantees that all public improvements not yet constructed shall be constructed in accordance with the plat, the construction plans, and the standards and specifications contained in this chapter; or
 - (ii) Record upon the final plat a notation as follows: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within this subdivision until such time as all public improvements of the subdivision have been constructed by the developer and accepted by the city or the guarantee of construction of public improvements required by section 82-206 of the Code of Ordinances of the City of Missouri City, Texas, is submitted to and approved by the city."

If the developer places this notation upon the final recorded plat of a subdivision in lieu of providing the security instrument, the city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as all public improvements of the subdivision have been constructed and accepted by the city or a security instrument satisfying the requirements of subsection (2) of this section is submitted to and accepted by the city.

(Ord. No. O-04-31, § 1, 7-6-2004; Ord. No. O-05-11, § 2, 3-21-2005)

Sec. 82-207. Maintenance of dedicated improvements.

Approval of the final plat shall not impose any duty upon the city concerning the maintenance of improvements of any dedicated parts indicated thereon until the city engineer shall have caused such improvements to be inspected and shall have certified that the improvements of any such dedicated parts are accepted by the city conditioned upon passing an inspection made after the one-year maintenance period by the subdividers. The subdividers shall maintain all such improvements for a period of one year following completion and certification under this chapter. Such one year of required maintenance shall not begin until there is filed with the city a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the city, in an amount equal to 100 percent of the cost of installation of such improvements, warranting that such improvements will render satisfactory operation for such one-year period.

(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX A. OWNER'S ACKNOWLEDGMENT

EXAMPLE FORM

STATE OF TEXAS

COUNTY OF FORT BEND

I (or we), (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation), owner (or owners) hereinafter referred to as owners (whether one or more) of the (number of acres) acre tract described in the above and foregoing plat of (name of subdivision or development), do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

We further acknowledge that the dedications and/or exactions made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the city. We, our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication or exactions made herein.

Further, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an 11 feet, six inches for ten feet perimeter ground easements or seven feet, six inches for 14 feet perimeter ground easements or five feet, six inches for 16 feet perimeter ground easements, from a plane 16 feet above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted thereon, whereby the aerial easements total 21 feet, six inches in width.

(This paragraph is applicable only to back-to-back easements within the same subdivision). Further, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an ten feet for ten feet back-to-back ground easements or eight feet for 14 feet back-to-back ground easements or seven feet for 16 feet back-to-back ground easements, from a plane 16 feet above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted thereon, whereby the aerial easements total 30 feet in width.

(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX B. EXECUTION OF OWNER'S ACKNOWLEDGEMENT

EXAMPLE FORM

(When owner is an individual or individuals)

WITNESS my (or our) hand in the City of Missouri City, Texas, this (number) day of (month), (year).

(Signature of owner or owners) _____
(Names to be printed)

(When owner is a company or corporation)

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of President), its President, thereunto authorized, attested by its Secretary (or authorized trust officer), (name of Secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

(Name of Company)

By: (Signature of President)

ATTEST:

(Signature of Secretary or authorized trust officer)
Title

(Affix corporate seal)

NOTE: All owners' signatures shall be acknowledged by a Notary Public.
(Ord. No. O-04-31, § 1, 7-6-2004)

**APPENDIX C. LIENHOLDER'S ACKNOWLEDGMENT AND
SUBORDINATION STATEMENT**

NOTE: Holders of all liens against the property being platted must execute the final plat or prepared as separate instruments which shall be filed for record with the plat.

EXAMPLE FORM

I (or we), (name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume _____, page _____ (or Film Code No. _____) of the Mortgage Records of (name of County in which the plat is located), Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

By: (Signature of Lienholder)
(Name to be printed)

NOTE: All lienholder signatures shall be acknowledged by a Notary Public.
(Ord. No. O-04-31, § 1, 7-6-2004)

**APPENDIX D. NOTARY PUBLIC ACKNOWLEDGEMENT FOR ALL
SIGNATURES**

EXAMPLE FORM

STATE OF TEXAS

COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers and lienholders), (corporation titles if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (add for corporations, "and in the capacity therein and herein stated, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this (number) day of (month), (year).

(Signature of Notary Public)

Notary Public in and for the State of Texas
(Affix notary seal)

My Commission Expires: _____
(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX E. CERTIFICATE FOR CIVIL ENGINEER OR SURVEYOR

EXAMPLE FORM

I, (name of civil engineer or surveyor), am authorized (or registered) under the laws of the State of Texas to practice the profession of civil engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.

(Signature of Registered Public Surveyor)

(Print name)

Texas Registration No.

(Affix seal)

(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX F. CERTIFICATE FOR PLANNING AND ZONING COMMISSION

EXAMPLE FORM

This is to certify that the Planning and Zoning Commission of the City of Missouri City, Texas, has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the State of Texas and the ordinances of the City of Missouri City as shown hereon and authorized the recording of this plat this (number), day of (month), (year).

(Signature of the Chairman)

By: _____

(Signature of the Vice Chairman)

By: _____

(Affix Commission seal)

(Ord. No. O-04-31, § 1, 7-6-2004)

**APPENDIX G. COUNTY CLERK FILING ACKNOWLEDGEMENT
STATEMENT**

EXAMPLE FORM

I, (name of County Clerk), Clerk of the Commissioners' Court of Fort Bend County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on (date and month), (year) at (time) o'clock (a.m. or p.m.), and duly recorded on (date and month), (year), at (time) o'clock (a.m. or p.m.), and in Volume (number), page (number, or when applicable Film Code numbers) of the map records of Fort Bend County for said County.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Ex Officio Clerk of the Commissioners' Court of Fort Bend County, Texas

By: _____
Deputy
(Ord. No. O-04-31, § 1, 7-6-2004)

**APPENDIX H. ENCUMBRANCES CERTIFICATE
(Preliminary Plats)**

NOTE: The following paragraph is to be placed on the face of all preliminary plats to be filed separately with the materials required to be submitted with plats requesting preliminary approval.

EXAMPLE FORM

I, (name of applicant or person who prepared the plat), do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner or subdivider) owns or has a legal interest in. (In those instances where the owner or subdivider owns or has a legal interest in any adjacent property, this paragraph must be modified to reflect the extent of such ownership and a boundary description of the land involved must be provided.)

(Signature of Certified Public Surveyor who prepared the plat)

(Name to be printed)

(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX I. VACATION OF SUBDIVISION PLAT

EXAMPLE FORM

STATE OF TEXAS

COUNTY OF FORT BEND

KNOW ALL MEN BY THESE PRESENTS:

I (or we), (name of owner or owners if individuals) or (name of President and Secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in the City of Missouri City, Fort Bend County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to an acreage tract as same existed before such property was platted, subdivided and recorded.

(At this point any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)

(Ord. No. O-04-31, § 1, 7-6-2004)

APPENDIX J. AMENDING PLAT CERTIFICATES

NOTE: The following certificates and acknowledgements are required to be placed upon the face of all amending plats.

I, (name of civil engineer or surveyor), hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of (name of subdivision), recorded on (date and month), (year), in Volume (number), page (number or when applicable film code numbers) of the map records of Fort Bend County, Texas:

(Provide brief explanation of corrections required.)

(Signature of Certified Public Surveyor)

(Print name)

Texas Registration No. _____

(Affix seal)

I, (we), (name(s) of owner(s)), owner(s) of the property directly affected by this amending plat, being lot(s) _____ out of the block(s) _____ as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

(Signature of owner(s))

(Print name)

NOTE: All owners' signatures shall be acknowledged by a Notary Public.

APPROVED BY THE CITY OF MISSOURI CITY, TEXAS, PLANNING
COMMISSION (or DIRECTOR OF PLANNING) on (date, month, and year).

(Signature of Chairman or Vice-Chairman
or Director of Planning)

Print Name

Chairman or Vice-Chairman
or Director of Planning

Print Name

Signature of Secretary

Print Secretary Name

(Affix Commission Seal)

(Ord. No. O-04-31, § 1, 7-6-2004)